

Report of IP Inclusive, CIPA & CITMA survey for Mental Health Awareness Week 2019



Executive summary

The survey

In spring 2019, to mark Mental Health Awareness Week, IP Inclusive collaborated with CIPA and CITMA to survey mental wellbeing in the patent and trade mark professions. IP Inclusive recognises the importance of mental wellbeing in creating an inclusive working environment, and as such sees this project as a key element of its work this year.

The survey was voluntary and anonymous. Building on a similar survey conducted by IP Inclusive and CIPA in 2018, this year's extended to CITMA as well as CIPA members. It aimed to capture data on mental health problems, in particular stress; their causes; their impact; the support available to help people cope with them; and the steps that might be taken to improve things. Parts of it mirrored questions in a survey conducted earlier in 2019 by the Law Society's Junior Lawyers Division (JLD), facilitating comparisons between the patent and trade mark sector and the wider legal community. Separate, tailored versions were created for students, paralegals and (the "main survey") other CIPA and CITMA members.

The respondents

Responses to this year's survey were well up on last year's. There were 253 responses to the student survey, representing 21.3% of all CIPA and CITMA students. The new paralegal version elicited 155 responses (22.6% of the combined membership category) and the main version 608 responses (15.5%). The ratio of CIPA to CITMA respondents was approximately 3:1.

Respondents came from a range of professional roles, career levels and working environments, although in-house professionals were much less well represented than private practice, the majority working in large private practice firms.

We should of course be aware, when interpreting the results, that people who are struggling with their mental health may be more likely to respond to this kind of survey than those who are not. It is also possible, however – if not likely – that many of those who did not take part were too busy and stressed to do so, or reluctant to engage with a subject that is still taboo. Either effect could make the responses we gathered less representative of the wider community. Nevertheless, we believe that they have value in illustrating general trends; in painting a picture of the problems we face now and how they might evolve; and in helping us to achieve improvements.

General comments

As in 2018, there are things to be encouraged by in this year's survey, and also indicators that more needs to be done. Response rates indicate considerably better engagement with the topic this year, especially among qualified attorneys. Moreover although our 2018 and 2019 survey results are not directly comparable, since this year's embrace CITMA as well as CIPA members, the 2019 respondents reported overall lower levels of stress and other mental health problems than the 2018 ones, and also lower levels of the associated negative feelings and side effects, including the desire to change jobs or profession.

Both job satisfaction levels and current mood were reported more positively this year than last. All three groups of respondents cited good-to-high levels of job satisfaction when things are going well. On the minus side, when asked about their *current* mood at work, at least 1 in 5 of our student and paralegal respondents, and approximately 1 in 4 of their qualified counterparts, were currently feeling uncomfortable or worse at work. Responses to other questions confirmed that there are still significant levels of mental health problems in the patent and trade mark professions.

For qualified attorneys, the 2019 figures indicated a general improvement in workplace support measures, but the same was not true for student respondents this year. Access to trained mental health "first aiders" has however improved dramatically for both groups.

Current mental health: the previous 12 months

More than half of respondents to the paralegal and main surveys had been adversely affected by stress in the preceding twelve months. At least a fifth of respondents to all three surveys had been affected by depression, and at least two-fifths by anxiety. Paralegals reported the highest levels, students the lowest.

However, there still appear to be barriers to disclosing mental health problems to employers. For well over half of respondents, their employers did not know about, or knew only part of the story about, their mental health problems. Over 80% of non-paralegal respondents had not taken any time off to tackle the problems they were experiencing. Workloads, the desire not to let people down, a sense of personal inadequacy and workplace culture were the main reasons cited for this.

As in 2018, and as in the 2019 JLD survey, the main causes of stress and anxiety were workload and related problems (eg deadlines, and the feeling of having insufficient control). These were closely followed by poor management and lack of support, both of which were felt more keenly by the qualified professionals (in particular paralegals) than the students. Not unexpectedly, it was the exam-related issues that caused the most stress and anxiety for student respondents, whereas for the qualified attorneys, clients became proportionately more of a worry and for the paralegals, working environment and resources. Small businesses, including sole practitioners, said they faced particular problems.

On the inclusivity front, more than 1 in 30 of our student respondents had suffered bullying (including inappropriate banter) or harassment, the levels being higher for other respondents, in particular paralegals. Discrimination had affected around 3% of all respondents.

When asked which negative feelings had troubled them at work, respondents mainly identified with two: fear of making mistakes and “feeling you’re not up to the job”. Inclusivity-related negative feelings also warranted concern: more than a tenth of the main survey respondents had experienced anxiety or isolation about, and/or felt the need to hide, aspects of themselves, these figures being higher for students and even higher still for paralegals. The results suggest that patent and trade mark professionals are extremely self-critical; fears around not being good enough and not “fitting in” are major contributors to their mental health problems.

Well over a fifth of all respondents had considered leaving their current job, whilst over 10% of the main survey respondents who offered additional comments said that they had moved to a different job (for example in a smaller firm, a non-London location or an in-house department), or gone freelance, or had at least planned an “exit strategy”, in order to reduce stress levels.

Roughly 1 in 16 of our student respondents, and roughly 1 in 17 of the others, had contemplated suicide in the preceding twelve months.

Current mental health: the previous one month

During the month leading up to the survey, well over half of respondents had felt stressed either very often or occasionally. Reported stress levels were high, and seemed to increase in both prevalence and severity with career seniority: 17.3% of the students had experienced either severe or extreme stress, rising to 20.5% for the paralegals and 25.5% for the other respondents.

These stress levels had left over a third of respondents feeling unable to cope at work either often or occasionally. They had also affected – or at least were perceived to have done – other aspects of people’s lives, causing problems with sleep, appetite, fatigue and other physical effects, and (in particular for qualified attorneys) with relationships outside of work. In terms of business impact, the effects had been accompanied by a worrying level of mistakes or “near misses” at work, and again significant numbers considering leaving their current job.

On the whole, the scale of the problem appeared to be greater for the 2019 JLD survey respondents than for our student and attorney respondents, but the same did not apply to our paralegal respondents.

Available workplace support

Consistent with the figures on employer awareness and taking time off, well over half of respondents said they were unable to discuss mental health problems fully with their colleagues and employers.

Although several commented that they had supportive and comfortable workplaces, a significant proportion (well over 10% for non-students) do not – or believed that they do not – have access to common workplace support measures. For those who do, the most common types are those provided by colleagues: line managers and HR personnel. 15-20% now have access to a trained mental health “first aider”.

The availability of flexible working arrangements seems to be reasonably good for patent and trade mark professionals, in particular for qualified attorneys.

Self-support practices

The survey indicated a good level of awareness of accepted stress-counteracting strategies, even if those strategies are not always 100% effective. Respondents attached importance to physical exercise, connecting with other people, activities outside of work and limiting working hours.

Over the preceding twelve months, the largest number of respondents had turned to other people for support (mainly family and friends, although encouraging numbers were also relying on sympathetic colleagues). Relatively few had made use of resources such as the LawCare helpline or (new in 2019) the IP Inclusive/Jonathan’s Voice website page on mental health and wellbeing; more could be done to raise awareness of these, particularly among paralegals.

Recommendations

The reported levels of stress and other forms of mental ill-health cannot be good for our people or our businesses. They will reduce morale, and therefore productivity; increase the risk of mistakes; and exacerbate employee turnover.

Our recommendations this year are much the same as last. IP Inclusive, CIPA, CITMA and individual employers within the patent and trade mark professions should continue to work together to:

- Encourage open dialogue about mental health and reduce the associated stigma.
- Improve workplace cultures to be more inclusive and supportive of those with mental health problems.
- Adapt working practices and workload management to reduce stress levels.
- Improve signposting to relevant resources, both within and outside the sector.

We believe CIPA should also explore ways to reduce the mental health impact of the patent attorney qualification system.

We suggest that this survey be repeated in 2020, to assess developing trends and further shape the profession’s responses.